

# PATENT COOPERATION TREATY

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Dr. Rauleder

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From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(PCT Rule 71.1)

Date of mailing  
(day/month/year)

10.10.2005

Applicant's or agent's file reference  
O.Z. 6223-WO

## IMPORTANT NOTIFICATION

International application No.  
PCT/EP2004/050989

International filing date (day/month/year)  
02.06.2004

Priority date (day/month/year)  
03.07.2003

Applicant  
DEGUSSA AG et al

- The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
- A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
- Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Hopwood, S

Tel. +49 89 2399-2429




# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference O.Z. 6223-WO		<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/EP2004/050989		International filing date (day/month/year) 02.06.2004		Priority date (day/month/year) 03.07.2003
International Patent Classification (IPC) or national classification and IPC H01L21/312				
Applicant DEGUSSA AG et al				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 3 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  06.11.2004		Date of completion of this report  10.10.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Pusch, C  Telephone No. +49 89 2399-7023		



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2004/050989

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-11 received on 21.12.2004 with letter of 15.12.2004

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* *If item 4 applies, some or all of these sheets may be marked "superseded."*

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2004/050989

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	10,11
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	10,11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1.0 Reference is made to the following documents:

- D1: Q. R. Huang et al., Chem. Mater. (2002) vol. 14, pg. 3676 - 3685
- D2: US4349609 (14.09.1982)
- D3: Q. Pan, Thin Solid Films, vol. 345, no. 2, 21 May 1999, pg. 244 - 254
- D4: US5152834 (6.10.1992)
- D5: EP1003210 (24.05.2000)

2.0 A process for producing low-k dielectric films on semiconductors or electrical circuits, which comprises using incompletely condensed polyhedral oligomeric silsesquioxanes of the formula  $[(R_aX_bSiO_{1.5})_m(R_cY_dSiO)_n]$  with the structure 1 or 2 as *the starting material* (see point 3.1 below) is not known from or rendered obvious from any of the cited documents of the prior art. Each of the documents is concerned with low-k dielectric films made from silsesquioxanes and the method of their formation:

- D1 fig. 1;
- D2 Example 1 "ladder-type" polysilsesquioxane;
- D3 p. 245, col. 1, l. 35 - 52 and col. 2, last two lines: cage-like  $\beta$ -chloroethyl-silsesquioxane (BSCESSQ);
- D4 unspecific cage-like polyorganosilsesquioxanes;
- D5 paragraphs [0017] and [0018]).

The subject-matter of claim 1 is therefore considered to be new and inventive (Articles 33(1), 33(2), 33(3) PCT).

2.1 Dependent method claims 2 - 9 also fulfill the requirements of novelty and inventive step.

2.3 Independent claim 10 is not allowable. It is attempted in claim 10 to define a product

(film) by the way of its formation. However, a product should be defined by product features which are directly discernable in the finished product and which render the product new and inventive over similar known products. (see WIPO Guidelines Chapter 5.26)

A low-k dielectric film is known (see any of the documents D1 - D5), and hence the subject-matter of claim 10 lacks novelty.

Including the feature of a value of the low-k constant of less than or equal to 2.3 as done in claim 11 would clarify claim 10 but does not render its subject-matter new, because such films are known from e.g. D1, p. 3682, col. 2, l. 30 - 42.

**Re Item VIII**

**Clarity (Article 6 PCT)**

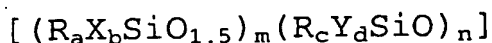
- 3.1 It is clearly stated in lines 9 - 11 on page 8 or in the example on page 9 - 11 that the incompletely condensed polyhedral oligomeric silsesquioxane is used as "starting material" for the film and is not an intermediate product during film formation. It cannot be excluded that the "incompletely condensed polyhedral oligomeric silsesquioxane" of claim 1 is formed at some point from any precursor during film formation. In order to avoid misunderstanding the claim, "starting material" should be included in the independent claim.
- 3.2 Claim 6 cannot depend on claims 1 - 4, because no coreactant is mentioned in these claims.
- 3.3 Claim 10 lacks conciseness. It is referred back to 9 method claims in this claim. It is unclear which particular feature -if it was discernable in the finished film- of which of the nine claims is meant to limit the scope of claim 10.

21. 12. 2004

(106)

What is claimed is:

1. A process for producing low-k dielectric films on semiconductors or electrical circuits, which comprises using  
5 incompletely condensed polyhedral oligomeric silsesquioxanes of the formula



10 with:

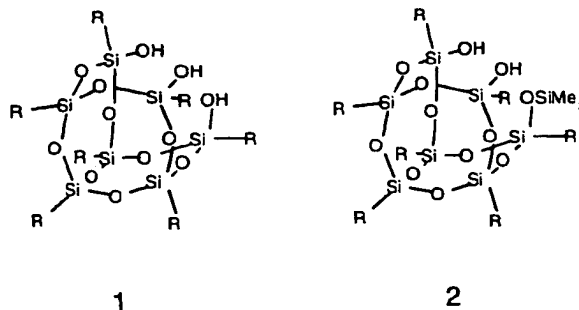
a, b = 0-1; c, d = 1; m+n ≥ 3; a+b = 1; n, m ≥ 1,

R = hydrogen atom or alkyl, cycloalkyl, alkenyl, cycloalkenyl, alkynyl, cycloalkynyl, aryl or heteroaryl group, in each case substituted or unsubstituted,

15 X = an oxy, hydroxyl, alkoxy, carboxyl, silyl, silyloxy, halogen, epoxy, ester, fluoroalkyl, isocyanate, acrylate, methacrylate, nitrile, amino or phosphine group or substituents of type R containing at least one such group of type X,

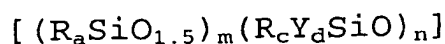
20 Y = hydroxyl, alkoxy or a substituent of type O-SiZ<sub>1</sub>Z<sub>2</sub>Z<sub>3</sub>, where Z<sub>1</sub>, Z<sub>2</sub> and Z<sub>3</sub> are fluoroalkyl, alkoxy, silyloxy, epoxy, ester, acrylate, methacrylate or a nitrile group or substituents of type R and are identical or different,

25 not only the substituents of type R being identical or different but also the substituents of type X and Y in each case being identical or different, and comprising at least one hydroxyl group as substituent of type Y, for producing the film and wherein incompletely condensed polyhedral oligomeric  
30 silsesquioxanes of structure 1 or 2



are used.

- 5 2. The process as claimed in claim 1, wherein incompletely condensed polyhedral oligomeric silsesquioxanes of the formula



10 with:

a, c, d = 1; m+n ≥ 3; n, m ≥ 1,

**R** = hydrogen atom or alkyl, cycloalkyl, alkenyl, cycloalkenyl, alkynyl, cycloalkynyl, aryl or heteroaryl group, in each case substituted or unsubstituted,

15 **Y** = hydroxyl, alkoxy or a substituent of type O-SiZ<sub>1</sub>Z<sub>2</sub>Z<sub>3</sub>, where Z<sub>1</sub>, Z<sub>2</sub> and Z<sub>3</sub> are fluoroalkyl, alkoxy, silyloxy, epoxy, ester, acrylate, methacrylate or a nitrile group or substituents of type **R** and are identical or different,

20 not only the substituents of type **R** being identical or different but also the substituents of type **Y** in each case being identical or different, and comprising at least one hydroxyl group as substituent of type **Y**, are used.

- 25 3. The process as claimed in claim 1 or 2, wherein incompletely condensed polyhedral oligomeric silsesquioxanes containing not more than three hydroxyl groups as type **Y** substituent are used.



4. The process as claimed in at least one of claims 1 to 3, wherein incompletely condensed polyhedral oligomeric silsesquioxanes are reacted with alkoxysilanes.
- 5 5. The process as claimed in claim 4, wherein incompletely condensed polyhedral oligomeric silsesquioxanes are reacted with tetraalkoxysilanes.
- 10 6. The process as claimed in at least one of claims 1 to 5, wherein the molar ratio of the incompletely condensed polyhedral oligomeric silsesquioxanes to the coreactant capable of hydrolytic condensation is from 1:10 to 10:1.
- 15 7. The process as claimed in claim 6, wherein the molar ratio of the incompletely condensed polyhedral oligomeric silsesquioxanes to the coreactant capable of hydrolytic condensation is 2:1.
- 20 8. The process as claimed in at least one of claims 1 to 7, wherein the low-k dielectric film is produced by means of a wet-chemical coating method.
- 25 9. The process as claimed in claim 8, wherein the low-k dielectric film is produced by spin coating and subsequent calcining.
10. A low-k dielectric film produced as claimed in at least one of claims 1 to 9.
- 30 11. The low-k dielectric film as claimed in claim 10, which has a k value of less than or equal to 2.3, measured at a frequency of 880 kHz.